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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,851	02/01/2006	Jean-Marie Saint-Remy	50304/112001	9175
21559	7590			
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110				
EXAMINER				
SZPERKA, MICHAEL EDWARD				
ART UNIT		PAPER NUMBER		
1644				
NOTIFICATION DATE		DELIVERY MODE		
05/06/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

Notice of Allowability**Application No.**

10/566,851

Applicant(s)

SAINT-REMY ET AL.

Examiner

Michael Szperka

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6 April 2010.
2. ☒ The allowed claim(s) is/are 51,58-60,64-68 and 70-78.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/6/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Michael Szperka/
Primary Examiner, Art Unit 1644

DETAILED ACTION

1. Applicant's response and amendments received April 6, 2010 are acknowledged.

Claims 64, 65, and 75 have been amended.

Claims 51, 58-60, 64-68, and 70-78 are pending in the instant application.

Information Disclosure Statement

2. The IDS received April 6, 2010 is acknowledged and has been considered.

3. Note that applicant's response was received two days prior to the notice of allowability mailed April 8, 2010. Since applicant's response and claim amendments were received prior to the notice of allowance being mailed, applicant's claim amendments and IDS received April 6, 2010 have been entered as a matter of right. It appears that the instant error arose due to the lag time between an office action being submitted for mailing and the time when said action is actually mailed. Given that mailing of the notice of allowability had not yet occurred when applicant filed the April 6, 2010 response, applicant's response was timely filed and thus there is no need for applicant to file an amendment under 37 CFR 312. The newly cited IDS documents do not question the validity of the instant claimed invention, and the claim amendments to claims 64, 65, and 75 correct minor grammatical inconsistencies. Specifically, claims 64 and 65 have been amended to delete the unnecessary word "side" and claim 75 has been amended to include an extra space to aid with readability of the claim. None of these amendments alter what has been claimed, require additional search or consideration, or raise new issues concerning patentability. As such all claims are allowable. Note that the text of the allowed claims is that of the most recently received claim set, namely the claims received April 6, 2010.

4. Claims 51, 58-60, 64-68, and 70-78 are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Szperka whose telephone number is (571)272-2934. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Szperka, Ph.D.
Primary Examiner
Art Unit 1644

/Michael Szperka/
Primary Examiner, Art Unit 1644